IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 21ST MARCH 2007 / 30TH PHALGUNA 1928

WP(C).No. 2411 of 2004(K)

PETITIONER:

**M.K.V. NAIR, S/O. M.R. KESAVA KURUP,
AGED 45 YEARS, INSPECTOR (NO. 824390400), CISF,
GROUP HEAD QUARTERS, HYDERABAD (UNDER COMPULSORY
RETIREMENT), RESIDING AT HOUSE NO. 5/16, SIVAKRIPA,
KYLAS LANE, KUDAPPANAKUNNU P.O.,
THIRUVANANTHAPURAM.**

**BY ADV. SRI. M.R. RAJENDRAN NAIR (SR.)
SRI. M.R. SUDHEENDRAN
SRI. M.R. HARIRAJ
SRI. P.A. KUMARAN
SMT. VINITHA B.
SMT. ANSU COTTAGIRI VARGHESE**

RESPONDENTS:

1. **UNION OF INDIA REPRESENTED BY ITS
SECRETARY, GOVERNMENT OF INDIA,
MINISTRY OF HOME AFFAIRS, NEW DELHI.**

2. **GROUP COMMANDANT, CENTRAL INDUSTRIAL
SECURITY FORCE, GROUP HQ, HAKIMPET,
HYDERABAD.**

3. **THE DEPUTY INSPECTOR GENERAL,
CENTRAL INDUSTRIAL SECURITY FORCE,
D WING, RAJAJI BHAVAN, BASANTH NAGAR,
CHENNAI -19.**

4. **INSPECTOR GENERAL, SOUTH WESTERN SECTOR,
CENTRAL INDUSTRIAL SECURITY FORCE,
RCFL COMPLEX, CHEMBUR, MUMBAI-400 074.**

5. **DIRECTOR GENERAL, CENTRAL INDUSTRIAL
SECURITY FORCE, HEAD QUARTERS,
NEW DELHI.**

**BY ADV. SRI. JOHN VARGHESE, SCGSC
SMT. T.D. RAJALAKSHMI, SCGSC**

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A P P E N D I X

PETITIONER'S EXHIBITS:

EXT. P1	**:**	**COPY OF THE CHARGE MEMO NO. V 15014/4/2000/ ADM. IV/5038 DATED 05.10.2000 ISSUED BY THE 2ND RESPONDENT.**
EXT. P2	**:**	**COPY OF THE REPRESENTATION DATED 05.10.2000 SUBMITTED BY THE PETITIONER.**
EXT. P3	**:**	**COPY OF THE REPLY STATEMENT DATED 23.10.2000 SUBMITTED BY THE PETITIONER.**
EXT. P4	**:**	**COPY OF THE LETTER NO. V 15014/4/2000/ADM. IV DATED 10.10.2000 ISSUED BY THE 2ND RESPONDENT.**
EXT. P5	**:**	**COPY OF THE REPRESENTATION DATED 24.10.2000 SUBMITTED BY THE PETITIONER.**
EXT. P6	**:**	**COPY OF THE LETTER NO. 15014/4/2000/ADM. IV/ 5685 DATED 15.11.2000 ISSUED BY THE 2ND RESPONDENT.**
EXT. P7	**:**	**COPY OF THE REPRESENTATION DATED 02.01.2001 SUBMITTED BY THE PETITIONER.**
EXT. P8	**:**	**COPY OF THE LETTER NO. V. 15014/GHH/ADIV/MKV/02 DATED 18.02.2002 ISSUED BY THE 2ND RESPONDENT.**
EXT. P9	**:**	**COPY OF REPRESENTATION DATED 11.03.2002 SUBMITTED BY THE PETITIONER.**
EXT. P10	**:**	**COPIES OF THE LETTER NO. V-15014/CISF/BDL(K)/ MKVN/2002/905 DATED 12.03.2000 AND THE LETTER NO. V-15013/3/MKVN/2002/L&R(SZ)/2259 DATED 20.03.2002 ISSUED BY THE ENQUIRY OFFICER AND THIRD RESPONDENT RESPECTIVELY.**
EXT. P11	**:**	**COPY OF REPRESENTATION DATED 12.09.2002 SUBMITTED BY THE PETITIONER.**
EXT. P12	**:**	**COPY OF THE ORDER NO. 15014/CISF/BDL(KB)/ PA/MKVN/2002-3837 DATED 26.09.2002 ISSUED BY THE ENQUIRY OFFICER.**
EXT. P13	**:**	**COPY OF ORDER NO. V 15014/CISF/BDL(KB)/ PA/MKV/2002/119 DATED 29.10.2002 ISSUED BY THE ENQUIRY OFFICER.**
EXT. P14	**:**	**COPY OF ENQUIRY REPORT DATED 13.11.2002 ALONG WITH LETTER NO. V15013/MKVN/2002/L&R(SZ)/10485 DATED 05.12.2002, ISSUED BY THE 3RD RESPONDENT FORWARDING THE SAME.**
EXT. P15	**:**	**COPY OF THE REPRESENTATION DATED 20.12.2002 BY THE PETITIONER.**

EXT. P16	**:**	**COPY OF ORDER NO. V-15013/3/2002/L&R(SZ) 1604 DATED 20.02.2003 ISSUED BY THE THIRD RESPONDENT.**
EXT. P17	**:**	**COPY OF APPEAL DATED 01.04.2003 SUBMITTED BY THE PETITIONER.**
EXT. P18	**:**	**COPY OF ORDER NO. V 11014(1)/03/SZ/LC/SWS/03 DATED 15.10.2003 ISSUED BY THE FOURTH RESPONDENT.**

RESPONDENT'S EXHIBITS:

ANNEXURE A	**:**	**COPY OF JUDGMENT IN W.P. NO. 4559/2003 PASSED BY THE HON'BLE HIGH COURT OF ANDHRA PRADESH.**
ANNEXURE B	**:**	**EXTRACT OF SUB-SECTION OF 2(A) OF CISF (AMMENDMENT AND VALIDATION) ACT 1999.**

SECOND RESPONDENT'S EXHIBITS:

EXT. R2(a)	**:**	**COPY OF THE JUDGMENT DT. 05.04.2000 IN O.P. NO. 9160/2000 OF THIS HON'BLE COURT.**

// TRUE COPY //

P.A. TO JUDGE.

smp

KURIAN JOSEPH, J.

W.P.(C) NO. 2411 OF 2004

Dated this the 21st day of March, 2007.

J U D G M E N T

This writ petition is filed with the following prayers.

i) Quash Exhibits P1, P16 and P18 by the issuance of a writ of certiorari or other appropriate writ order or direction.

ii) To issue a writ of mandamus or other appropriate writ order or direction commanding the respondents to reinstate to the petitioner in service with continuity of service, back wages and all other consequential benefits.

2. One of the submissions made by the respondents in the counter affidavit is that this Court at this stage need not go into the disciplinary action which culminated in the termination of service of the petitioner, since the petitioner has a statutory remedy before the fifth respondent. All that the petitioner seeks is only the assistance of a lawyer along with him in pursuing the remedy.

3. Learned Assistant Solicitor General submits that there is no such provision or precedent of an employee being granted the assistance of a lawyer. In view of the serious contentions taken by the petitioner challenging the disciplinary action both on facts and law, I am of the view that there cannot be any formidable objection in permitting the petitioner to have the assistance of either a departmental employee or a counsel to assist him while arguing the revision.

Therefore, this writ petition is disposed of directing the fifth respondent to consider the revision, if any, filed by the petitioner within a period of one month from today, with notice to the petitioner. During the course of hearing, at the option of the petitioner, he shall be permitted to have the assistance of either an employee under the fifth respondent or a counsel. The revision shall be disposed of within another four months.

This writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

smp